IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. WJC No.910 of 2008
DEO NARAIN MAHTO
Versus
STATE OF BIHAR & ORS

For the petitioner: Mr. Arun Kumar
Mr. Md. Hussamuddin Azad, Advocates
For the State: Mr. Sanjay Kumar -1, G.P - XIV

P R E S E N T

Hon'ble the Chief Justice
And
Hon'ble Mr. Justice Kishore K. Mandal

Dated, the 17th November, 2008

This habeas-corpus petition has been filed by the father alleging that his son Rajesh Mahto has been kidnapped by the accused persons, namely, Panna Lal Sah, Vijay Sah, Hitlal Sah, Ram Fagun Sah, Shankar Sah, Badri Sah, Ashok Sah and Moti Sah and although a First Information Report has been lodged and registered against them on 22nd October, 2007, the police authorities have not been able to trace his son.

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2. It transpires from the available material that P.S. Case no. 134 of 2007 has been registered on 22nd October, 2007, for the offences punishable under sections 341,342,323,379 & 364 read with section 34 of the Indian Penal Code on the basis of the written complaint made by the petitioner.

3. The Officer-in-Charge , Barganiya Police Station has

investigated into the allegations made in the First Information Report and during course of investigation, it transpired that accused persons had given beating to Rajesh Mahto and abused his father (present petitioner) and for that, prima facie, the case for the offence punishable under sections 341, 323, 504 read with section 34 has been found against the accused persons. However, no merit in the allegation of kidnapping has been found by the investigating officer. The investigating officer, on the basis of the statements recorded during the course of investigation, has formed the view that Rajesh Mahto has been sent by his father to his relative's place or Nepal.

4. In the backdrop of the investigation done into the First Information Report, to which we have no justifiable reason to disbelieve , we are of the view that no order needs to be passed in this habeas-corpus petition as the petitioner appears to be aware of the whereabouts of his son Rajesh Mahto.

5. Writ petition is disposed of accordingly.

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R. M. Lodha, CJ.

Kishore K. Mandal, J.

Neyaz/-